

CITY OF MARIETTA
RESOLUTION CREATING CITIZENS ADVISORY COMMITTEE
FOR MARIETTA PARKS

WHEREAS, the voters of the City of Marietta approved a General Obligation Park Bond for the City of Marietta in the amount of \$25Million, and

WHEREAS, the City Council for the City of Marietta adopted a “Projected Bond Projects Costs by Type and Site” as shown in Exhibit “A” attached hereto, and

WHEREAS, the Marietta City Council is desirous of establishing a Citizens Advisory Committee for Marietta Parks for the implementation of the \$25Million voter approved Park Bond: and

Whereas, the Marietta City Council has duly considered several park improvements as part of an ongoing process previous to the creation of the Citizens Advisory Committee for Marietta Parks (hereinafter referred to as “CACMP”) and is committed to addressing notwithstanding the committee; and

NOW THEREFORE COMES the Marietta City Council and adopts this Resolution and creates and establishes the Citizens Advisory Committee for Marietta Parks as follows:

1. Effective Date

The effective date of the date of this Resolution and the initial committee shall serve from the effective date hereof through January 13, 2010. At that time, the Mayor and City Council for the City of Marietta are encouraged to readopt this Resolution and reappoint the committee members appointed herein who have been advised without objection of such.

2. Purpose

The purpose of the Citizens Advisory Committee for Marietta Parks is to carry out the purposes of intent in an advisory capacity of the \$25Million Park Bond approved by the voters of the City of Marietta. In general terms, the Marietta City Council approved a publication setting forth the purposes of the Park Bond. Included in that publication was the identity of proposed expenditures for the Park Bond including land acquisition, improvements to existing parks and facilities, development of parks, facilities, trails and greenspace (new and existing) as well as planning/design and administration/contingencies. The purpose of the CACMP is to recommend to the Marietta City Council the best method of implementing the \$25Million voter approved Park Bond. This Resolution encourages the CACMP to set goals, objectives and timelines to carry out its stated purposes. A copy of the Projected Bond Projects Costs by Type and Site adopted by the City of Marietta is attached hereto marked Exhibit "A" and incorporated herein by reference. It is further acknowledged that the Council due to previous studies and consideration will act independently of advice from the CACMP, but inform CACMP of such actions, from time to time to implement the Park Bond purpose.

3. Members

a) Appointment. The voting members of the CACMP shall consist of sixteen (16) citizens appointed by the Marietta City Council, whose terms shall expire as set forth herein. Each member of the City Council shall appoint two (2) committee members. Except initially, for the first appointment in 2009, for Ward 3, one member appointment shall be appointed by the 2009 member of City Council and one member shall be appointed by the 2010 member of City Council. In addition initially for the appointment in 2009, the 2009 Mayor shall appoint one member of the CACMP and the 2010 Mayor shall appoint one member of the CACMP. Each member of the CACMP shall be a resident of the City of Marietta but shall not be required to be a resident of the Ward of the Council member making the appointment. No currently elected City

Council Member may be a member of the CACMP except for one non-voting member specifically provided for herein. b) Continued Service. Each appointed member shall serve at the pleasure of the appointer except after January 4, 2010 that the 2009 Ward 3 and 2009 Mayor appointments shall serve at the pleasure of the 2010 Ward 3 Councilmember and 2010 Mayor respectively.

c) Method of Appointment. Any appointment made hereunder shall be effective upon notice to the City Clerk by the appointer that the appointment has been made.. Same shall appear on the next regular City Council agenda for information purposes but shall not require an affirmative vote by the City Council.

4. Meetings

In the event any CACMP member shall miss three (3) meetings in a six months period, the appointment of such member shall automatically expire and shall be filled by the then current elected official that the appointment is vested in. Any member may be excused from attendance at any meeting based upon a request by such member and a vote of a majority of the CACMP.

5. Reports

Any and all reports issued or made verbally by the CACMP shall be delivered or issued by the CACMP to the Marietta City Council sitting as the Committee of the Whole or at such other time or committee designated by the Marietta City Council.

6. Officers

The Chairman of the CACMP shall be a non-voting member appointed by the City Council and selected from its own body. The CACMP shall also elect/appoint a Vice-Chair, a Secretary and an Assistant Secretary. The quorum for the CACMP shall be seven (7) voting members. The CACMP shall meet and conduct its business in accordance with the Georgia Open Meetings Law and the Georgia Open Records Law.

7. Duties of the Officers

CHAIR. The Chair shall preside at all meetings and shall have such powers and duties as may be designated by the Marietta City Council. The Chair shall be an ex officio non-voting member of all committees.

VICE-CHAIR. In the absence of the Chair, the Vice-Chair shall preside at all meetings and have all of the powers and duties of the Chair.

SECRETARY/ASSISTANT SECRETARY. The Secretary shall keep the minutes of all meetings and shall have charge of such books and papers of the CACMP; and the Secretary shall, in general, perform all the duties incident to the office of Secretary. The Secretary shall give notice of meeting as required by law. A copy of such minutes shall be provided to the Marietta City Clerk and kept on file in the City Clerk's Office.

8. Staffing

City staff will work with the CACMP in the provision of appropriate assistance to the CACMP at the discretion of the City Manager.

9. Terms of Members

The initial term of the members of the CACMP shall be through January 13, 2010. Thereafter, appointments shall be for a one (1) year term by the then respective elected official holding office to which the appointment belongs or until the CACMP is dissolved by the Marietta City Council.

10. Code of Ethics

PURPOSE. The Code of Ethics governing the members for the CACMP is intended to reflect and to some extent amplify, but not replace, existing laws and regulations of Chapter 1-14 Code of Ethics for City Council Members, Marietta Code, Article 1-14-2, et. seq., ("Marietta Code of Ethics"). That is, the CACMP shall be subject to and bound by the terms and conditions

of the Marietta Code of Ethics, except for the filing of any financial reports or disclosure reports. For purpose of this section in applying the ethics code to members for the CACMP, “members for the CACMP” shall be substituted for the term “City Council” any time “City Council” is referenced in the Ethics Code.

In view of the duties and responsibilities of the CACMP, it is of the utmost importance that the members strictly observe high ethical standards and refrain from participation in any consideration by the CACMP of actions where the member has a direct or indirect conflict of financial interest, or there exists a potential for such conflict arising from the CACMP's action or proposed action, or where there would reasonably appear to be such a conflict or potential conflict. Although members of the CACMP may reflect diverse interests and locales, each member shall act in a manner that, in the member's opinion, is supportive of the general public interest and not as a representative of any special interest or particular locale.

CONFLICTS OF INTEREST.

(a) The members of the CACMP shall be accountable in all respects as trustees of the people, and shall represent the interest of the general public above any conflicting commitments, such as those to a close friend, family member, business associate, client, advocacy or interest group or membership on a board or staff.

(b) A conflict of interest shall exist for a CACMP member whenever any decision or action by the CACMP would directly affect a material financial interest of the member or of any person in the family of the member, or has the potential for such effect, or cause a reasonable person having knowledge of all the facts to conclude that a conflict or serious potential for conflict exists. It is not contemplated by these provisions that in the ordinary situation a conflict would be deemed to exist where the effect of a decision of the CACMP would not materially affect a financial interest of the member, favorably or adversely, or of a member of the family of the member; nor is it contemplated that a

conflict would ordinarily be deemed to exist where the effect of a decision of the CACMP creates an opportunity for financial gain which is shared equally by members of the general public or by those engaged in businesses similar to that of the CACMP member or of a member of the family of the member.

(c) "Members of a family" include the spouse of the CACMP member, their children and the parents of the CACMP member and of the spouse of the CACMP member.

(d) As used herein, "financial interest" means any interest often percent (10%) or more which shall yield a monetary or other material benefit to the member, other than the duly authorized salary or compensation for the member's services to the CACMP.

(e) As used herein, "material" describes a financial interest of a CACMP member that is substantial and of such consequence that a person knowing all the facts could reasonably conclude that, because of the financial interest, the CACMP member could be biased towards a proposal before the CACMP for decision directly affecting that interest,

(f) Whenever any CACMP member in the exercise of reasonable due diligence recognizes a conflict of interest, or the existence of facts reasonably giving rise to the appearance of conflict over a matter coming before the CACMP for consideration, the member shall immediately withdraw from any formal or informal consideration or discussion of the matter, including any private or personal discussion of the matter with any other CACMP member, and from being present on any occasion or meeting during the time the matter is discussed or considered by other CACMP members. The member should immediately by letter to the chair of the CACMP advise the chair of the conflict and the withdrawal of the member from all consideration of the matter. The withdrawal of the member from consideration of the matter should be entered in the minutes of the meeting of the CACMP-

MISUSE OF POSITION. No member shall use or attempt to use his or her official position to secure unwarranted privileges, personal gain or advantages for themselves or others that is not available to the general public.

MISUSE OF INFORMATION. No member shall willfully disclose to any person, whether or not for pecuniary gain any information not generally available to members of the public that they receive or acquire in the course of and by reason of their position with the CACMP

11. Action by Marietta City Council

There may be times or occasions when the City Council, may take action without the benefit of a meeting and/or recommendation from the CACMP. Instances of such action include, but are not limited to the purchase of foreclosed real property, purchase of auctioned property or condemnation of real property and carryover of previous deliberations and ongoing deliberations as to Parks. In such an instance, the City Council shall be authorized to take any action allowed by law and consistent with State Law the Marietta City Code and Charter and advise the CACMP as such. The CACMP is advisory only and not all ideas and recommendations have to come to Council through it and the Council reserves to itself the continued right to take action it deems appropriate and is not giving up its responsibility or authority.

12. Sub-Committees

The CACMP is authorized to establish sub-committees consistent with its purposes. Potential sub-committees could be the following:

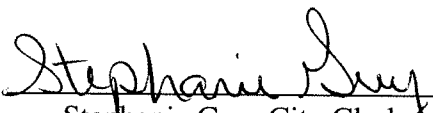
- a) Property Acquisitions (to include donations).
- b) To evaluate specific neighborhood parks.
- c) To address citywide issues such as, but not limited to, locations of athletic fields, trails, etc..

- d) To work with future potential partners such as, but not limited to, YMCA, Boy & Girls club, athletic groups and other groups.
- e) To develop a recommendation regarding implementation of the \$25Million Bond issue.

This resolution being approved this 25 day of November, 2009.

CITY OF MARIETTA

By: 
William B. Dunaway, Mayor

ATTEST: 
Stephanie Guy, City Clerk

**Projected Bond Projects Costs by Type and Site
8-20-09 Version**

CAPITAL IMPROVEMENT	PROJECTED COST
<u>LAND ACQUISITION</u>	
Sub-Total.....	\$5,000,000
<u>IMPROVEMENTS TO EXISTING PARKS AND FACILITIES</u>	
Aviation Sports Complex.....	\$100,000
Birney Street Park.....	\$100,000
Brown Park.....	\$750,000
Burruss Nature Park.....	\$250,000
Custer Park.....	\$500,000
Elizabeth Porter Recreation Center.....	\$3,750,000
Flournoy Park.....	\$30,000
Glover Park.....	\$175,000
Gramling Street Park.....	\$40,000
Hickory Hills Park.....	\$1,750,000
Hill Park.....	\$5,000
Lake Park.....	\$40,000
Laurel Park.....	\$1,200,000
Lawrence Street Community Center.....	\$1,100,000
Lewis Park.....	\$225,000
Merritt Park.....	\$250,000
Victory Park.....	\$200,000
West Dixie Park.....	\$60,000
Whitaker Park.....	\$170,000
Wildwood Park.....	\$300,000
Woods Park.....	\$5,000
Sub-Total	\$11,000,000
DEVELOPMENT OF PARKS, FACILITIES, TRAILS AND GREENSPACE (new and existing)	
Sub-Total	\$5,000,000
PLANNING/DESIGN/ADMINISTRATION/CONTINGENCIES	
Sub-Total	\$4,000,000
TOTAL BOND COSTS.....	\$25,000,000**

**The allocations of funds for project components are estimates and may vary as planning, engineering, site improvements, etc...progress. Surpluses from over-estimated projects, including interest received on bond funds of such projects, shall be used first to complete under-estimated projects and all remaining funds received from interest and over-estimated projects shall be used for other projects or improvements which the City Council may deem necessary and which are encompassed within the language of the statement of purpose in the election notice.